

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 22-0478V

UNPUBLISHED

ROYANN MATSEL, as Wife and as
Representative of ESTATE OF DAVID
MATSEL,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: March 31, 2023

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Influenza (Flu) Vaccine;
Guillain-Barre Syndrome (GBS);
Death

Mark Paul Schloegel, Popham Law Firm, Kansas City, MO, for Petitioner.

Kimberly Shubert Davey, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On April 28, 2022, Royann Matsel, as wife and representative of the Estate of David Matsel, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that David Matsel suffered Guillain-Barre Syndrome (“GBS”), resulting in his death, as a result of an influenza vaccine received on September 15, 2020. Petition at 1. Petitioner further alleges the vaccine was administered in the United States, Mr. Matsel died as a result of complications from GBS, and neither Petitioner, nor Mr. Matsel or any other party, has ever filed an action, or received compensation, for Mr. Matsel’s vaccine-

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

related injury. Petition at ¶¶ 3, 17, 19, 20. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On March 31, 2023, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, Respondent agrees that the Vaccine Injury Table and Qualifications and Aids to Interpretation for GBS "requirements are satisfied, and there is no alternative cause that explains Mr. Matsel's condition or death, [and] petitioner is entitled to compensation under the Act." *Id.* at 5-6.

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master